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December 18, 2023

BY ECF

Hon. Andrew L. Carter, Jr.
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

**Re: Case No: *USA v. Reginald Fowler*, Case No. 1:19-cr-00254-ALC (S.D.N.Y.)
Property: \$180,381.91 US dollars deposited with Crypto Capital Corp. by
Shift Forex and CapXM**

Dear Judge Carter:

This firm represents Petitioners Shift Markets Group Inc. (“Shift Markets”), Shift Forex LLC (“Shift Forex”) and CapXM LLC (“CapXM” and, collectively with Shift Markets and Shift Forex, “Shift”) in the matter captioned above. We respectfully write with regard to Shift’s Petition for Remission or Mitigation of Forfeiture, a copy of which was filed with Your Honor on November 29, 2023. As Your Honor will recall, Shift filed a copy of the Petition in response to a letter from the Government that we believed indicated that a copy should be filed with Your Honor.

Since our filing of the Petition, the Government has filed an opposition, generally stating that the Court does not have authority to grant the Petition, and that Shift should instead petition the Department of Justice’s Money Laundering and Asset Recovery Section (“MLARS”) for the funds. Shift does not dispute this general proposition, and understands that petitions for remission are decided by MLARS. Indeed, that is why Shift’s Petition was originally filed with the Government on July 19, 2023 for their direct consideration. We have not yet received a response.

However, in light of the Government’s opposition, we respectfully write to request clarification from the Court and the Government as to next steps. For the avoidance of doubt, to the extent the Government’s consideration of Shift’s Petition is awaiting a Final Order of

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Forfeiture from this Court, we will wait for resolution of the forfeiture process, and respectfully request that Shift's Petition be denied without prejudice pending entry of the Final Order of Forfeiture. To the extent Your Honor is inclined to consider any portion of Shift's Petition, Shift respectfully requests an opportunity to be heard and that the Court grant Shift the roughly \$180,000.00 that was taken from it and its customers as a result of Reginald Fowler's crimes.

Thank Your Honor sincerely for your time and attention to this matter. We are available to provide additional information and/or to appear before Your Honor at the Court's convenience.

Respectfully,

/s/ Sarah Fehm Stewart

Sarah Fehm Stewart
Partner

SFS
cc: All counsel of record